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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: DA VINCI SURGICAL ROBOT
ANTITRUST LITIGATION**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

Lead Case No. 3:21-CV-03825-VC

**DECLARATION OF JEFFREY J.
CORRIGAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT**

The Hon. Vince Chhabria

Date: June 8, 2023

Time: 1 p.m.

I, Jeffrey J. Corrigan, declare as follows:

1. I am a partner at Spector Roseman & Kodroff, P.C., and Interim Co-Lead Counsel for the Plaintiffs in this matter. I make this declaration based on my personal knowledge in support of Plaintiffs' Motion for Partial Summary Judgment in the above captioned matter. If called upon to do so, I will testify competently to the facts set forth herein.

2. I certify that the following Table of Exhibits lists true and correct copies of all exhibits attached to this Declaration in support of Plaintiffs' Motion for Partial Summary Judgment.

TABLE OF EXHIBITS

Exhibit #	Description
1	True and correct copy of the Expert Report of Professor Einer Elhauge, January 10, 2023 ("Elhauge Rep.").
2	True and correct copy of excerpts of the deposition of Myriam Curet McAdams, M.D., May 7, 2021 ("Curet Dep.").
3	True and correct copy of the Rebuttal Expert Report of Professor Einer Elhauge, March 3, 2023 ("Elhauge Reply Rep.").
4	True and correct copy of excerpts of the deposition of John Francis, M.D., October 14, 2022 ("Francis Dep.").
5	True and correct copy of the document bates stamped Intuitive-00128687 - Robotic Surgery Financial and Strategic Overview, July 2015.
6	True and correct copy of excerpts of the deposition of Edward W. Harrich, May 24, 2021 ("Harrich Dep.").
7	True and correct copy of the Expert Report of Eugene Rubach, December 1, 2022 ("Rubach Rep.").

8	True and correct copy of the document bates stamped Intuitive-00011487 - Email re: Link to Recording for Dan B - VP Purchasing, January 23, 2018.
9	True and correct copy of the document bates stamped Intuitive-00595673 - Intuitive Surgical Devices Business Overview, October 29, 1995.
10	True and correct copy of excerpts of the deposition of Ryan Shaw, October 19, 2022 ("Shaw Dep.").
11	True and correct copy of excerpts of the deposition of Bob DeSantis, 30(b)(6), May 27, 2021 ("DeSantis Dep.").
12	True and correct copy of the document bates stamped Intuitive-00067540 - Sales, Lease, and Service Agreement between Intuitive and Conway Regional Medical Center, Inc., August 15, 2019.
13	True and correct copy of the Defendant Intuitive Surgical, Inc.'s Answer and Affirmative Defense, Dkt. No. 74, January 18, 2022 ("Intuitive Answer").
14	True and correct copy of excerpts of the deposition of Anthony McGrogan, 30(b)(6), June 7, 2021 ("McGrogan 30(b)(6) Dep.").
15	True and correct copy of excerpts of the deposition of Glenn Vavoso, May 14, 2021 ("Vavoso Dep.").
16	True and correct copy of excerpts of the deposition of Dan Jones, November 10, 2022 ("Jones 30(b)(6) Dep.").
17	True and correct copy of the Expert Report of Loren J. Smith (Amended), February 10, 2023 ("Smith Rep.").
18	True and correct copy of the document bates stamped REBOTIX174692 - Historical timeline for initial R&D of Benjamin Biomedical and Rebotix.

19	True and correct copy of the document bates stamped Intuituve-00047082 - Letter from Intuitive Surgical to Randy Fagin, MD, August 23, 2016.
20	True and correct copy of the Notice of Settlement (October 12, 2022) in <i>Rebotix</i> .
21	True and correct copy of the Stipulation of Dismissal (January 26, 2023) in <i>Restore</i> .
22	True and correct copy of the document bates stamped Intuitive-01020015 - Email re: Instrument reprogramming in the US-engineering input needed, May 10, 2018.
23	True and correct copy of excerpts of the deposition of Greg Posdal, May 10, 201 (Restore) ("Posdal Dep.").
24	True and correct copy of excerpts of the deposition of John "Jake" Joseph Colletti, Jr., May 7, 2021 ("Colletti Dep.").
25	True and correct copy of excerpts of the deposition of Kevin May, May 6, 2021 (Restore) ("May Dep.").
26	True and correct copy of excerpts of the deposition of Stan Hamilton, June 4, 2021 ("Hamilton Dep.").
27	True and correct copy of excerpts of the deposition of Glenn Papit, June 2, 2021 ("Papit Dep.").
28	True and correct copy of the document bates stamped Intuitive-00194074 - PowerPoint: Unauthorized Instrument Reprograming Overview.
29	True and correct copy of the document bates stamped Intuitive-00478439 - Letter from Intuitive to Stephanie L. Parker and Clifton Parker at Restore Robotics LLC., November 15, 2018.

30	True and correct copy of the document bates stamped Intuitive-00372993 - Letter from Intuitive to Evergreen Healthcare, October 15, 2019.
31	True and correct copy of the document bates stamped Intuitive-00560955 - Email re: LND - EP cable reliability results, February 12, 2020.
32	True and correct copy of the Expert Report of Kimberly Trautman, December 1, 2022.
33	True and correct copy of the document bates stamped Intuitive-00214241 - Email re: Si service and instrument reprocessing, February 13, 2019.
34	True and correct copy of excerpts of the deposition of Katie Scoville, May 26, 2021 ("Scoville Dep.").
35	True and correct copy of the document bates stamped Intuitive-00102938 - Managing the Long Tail of da Vinci Si, September 2016.
36	True and correct copy of excerpts of the deposition of Mike Madewell, June 11, 2021 ("Madewell Dep.").
37	True and correct copy of the document bates stamped Intuitive-00214562 - Email re: Meeting Request regarding your da Vinci Surgical System, August 15, 2019.
38	True and correct copy of excerpts of the deposition of Ronald Lee Bair, Jr., May 24, 2021 (Bair Dep.).
39	True and correct copy of excerpts of the deposition of Tyler McDonald, May 21, 2021 ("McDonald Dep.").
40	True and correct copy of excerpts of the deposition of Sherry Harvey, May 14, 2021 ("Harvey Dep.").
41	True and correct copy of the document bates stamped Intuitive-00273261 - Instrument eX Update (Code Name: Dragon), May 23, 2017.

42	True and correct copy of the document bates stamped Intuitive-00029174 - Email re: FW: 10+ use instruments, September 25, 2018.
43	True and correct copy of the document bates stamped Intuitive-00583036 - Q&A re: Extended Use Program (DeSantis Dep. Ex. 27).
44	True and correct copy of the document bates stamped Intuitive-00552697 - Intuitive Surgical Non-Filing Justification for Product Family: IS4000/IS4200 8mm Bipolar Cautery Instruments, August 18, 2020.
45	True and correct copy of excerpts of the deposition of Mario Lowe, 30(b)(6), November 3, 2022 ("Mario Lowe 30(b)(6) Dep.").
46	True and correct copy of excerpts of the deposition of Disha Peswani, October 6, 2022 ("Peswani Dep.").
47	True and correct copy of the document bates stamped Intuitive-00556188 - Email re: Instrument life extension - Bi-weekly Program update, February 12, 2020.
48	True and correct copy of the document bates stamped Intuitive-01235518 - Powerpoint: US Extended Use Program Round 2, April 19, 2021.
49	True and correct copy of the document bates stamped REBOTIX175326 - Spreadsheet: List of Rebotix's Invoices.
50	True and correct copy of the document bates stamped Restore-00055937 – Spreadsheet: Sales Report from Restore Tobotics LLC 2018 and 2019.
51	True and correct copy of the document bates stamped SIS000171 – list of SIS transactions.
52	True and correct copy of excerpts of the deposition of Judith Schimmel, September 22, 2022 ("Schimmel Dep.").
53	True and correct copy of excerpts of the deposition of Kevin May, November 3,

	2022 ("May Dep.").
54	True and correct copy of the Intuitive Form 10-K Report (Fiscal Year 2020) filed with the U.S. Securities and Exchange Commission.
55	True and correct copy of excerpts of the deposition of Loren K. Smith, February 22, 2023 ("Smith Dep.")
56	True and correct copy of the document bates stamped Intuitive-00269124 – Document re: Preparation for Industry Panel Discussion "Robotic Surgery: How Big of an Explosion is Coming?"
57	True and correct copy of excerpts of the deposition of Eugene Otto Dickens, M.D., May 27, 2021 ("Dickens Dep.").
58	True and correct copy of excerpts of the deposition of Ricardo Estape, M.D., October 22, 2022 ("Estape Dep.").
59	True and correct copy of the document bates stamped Intuitive-00471993 - PowerPoint: Program Objectives and Approach
60	True and correct copy of excerpts of the deposition of Michael Burke, M.D., September 27, 2022 ("Burke Dep.")
61	True and correct copy of excerpts of the deposition of Imron Zafar, November 1, 2022 ("Zafar Dep.").
62	True and correct copy of excerpts of the deposition of Todd Pope, April 30, 2021 ("Pope Dep.").
63	True and correct copy of excerpts of the deposition of Stacey Donovan, May 27, 2021 ("Donovan Dep.").
64	True and correct copy of excerpts of the deposition of Greta Valentine Bernier, November 7, 2022 ("Bernier Dep.").

65	True and correct copy of excerpts of the deposition of Chris Gibson, June 22, 2021 ("Gibson Dep.").
66	True and correct copy of the document bates stamped Intuitive-02068246 - Managing the Long Tail of da Vinci Si, September 2016.
67	True and correct copy of the document bates stamped Intuitive-00269124 - Document with notes in preparation for industry panel. (Glenn Vavoso (Rebotix, Fact Witness) Deposition Exhibit 9).
68	True and correct copy of the document bates stamped Intuitive-00560277 - Powerpoint: I,A,&E Portfolio Template.
69	True and correct copy of the document bates stamped Intuitive-00366044 - Email re: FW: Quarterly Ops/Strategy Meeting, 15-16 October 2019 - Notes, Highlights, and Actions, October 30, 2019.
70	True and correct copy of the Morgan Stanley 18th Annual Global Healthcare Conference Transcript ("Global Healthcare Conference Presentation")
71	True and correct copy of handwritten notes entered into evidence as Exhibit 14 from the Deposition of Glenn Vavoso, May 14, 2021 ("Vavoso Dep., Ex. 14")
72	True and correct copy of the document bates stamped Intuitive-00362751 – US Scenarios and brainstorming, including, among others, Key Assumptions and Factors and Forces.
73	True and correct copy of the document bates stamped Intuitive-00519980 - Powerpoint: Oct 2019 BOD Meeting: 2020-2023: Intuitive as first choice among multiple options.
74	True and correct copy of the document bates stamped Intuitive-00278203 - Bernstein analysis entitled "Intuitive Surgical: What do experts think about J&J's

	new surgical Robot?" September 6, 2019.
75	True and correct copy of the document bates stamped Intuitive-00121229 - Email re: Intuitive Positioning Qualitative MR: Final Report and One-Page Summary, February 21, 2018.
76	True and correct copy of the document bates stamped Intuitive-00203904 - Email re: FW da Vinci documents, May 3, 2017
77	True and correct copy of the document bates stamped Intuitive-00552993 - Deutsche Bank Research analysis on Intuitive Surgical, January 27, 2020.
78	True and correct copy of the document bates stamped Intuitive-00566055 - Deutsche Bank Research analysis on Intuitive Surgical, February 20, 2020
79	True and correct copy of excerpts of the deposition of Clifton Earl Parker, October 25, 2022 ("Parker Dep.")
80	True and correct copy of the document bates stamped REBOTIX110980 – Rebotix G-5 Engineering Timeline, February 2, 2016.
81	True and correct copy of Defendant Intuitive Surgical, Inc.'s Notice of Motion, Motion and Memorandum of Points and Authorities in Support of Motion to Stay.
82	True and correct copy of Intuitive's Supplemental Responses and Objections to Plaintiffs' First Set of Contention Interrogatories.
83	True and correct copy of the document entered into evidence as Claiborne Dep. Ex. 301 - FDA correspondence, November 15, 2022.
84	True and correct copy of the Expert Report of Kimberly Trautman (Supplemental), March 1, 2023 ("Trautman Reply").
85	True and correct copy of the document bates stamped REBOTIX175839 – Email

	correspondence between Rebotix and FDA re: Rebotix Repair, LLC re Document Number CPT2000126, July 22, 2022.
86	True and correct copy of excerpts of the deposition of Kimberly A. Trautman, March 15, 2023 ("Trautman Dep.").
87	True and correct copy of excerpts of the deposition of Christy Foreman, February 17, 2023 ("Foreman Dep.").
88	True and correct copy of the Expert Report of Christy Foreman, January 18, 2023 ("Foreman Rep.").
89	True and correct copy of the FDA, White Paper: Evaluating Whether Activities Are Servicing or Remanufacturing (May 2018) ("FDA White Paper").
90	True and correct copy of the document bates stamped Intuitive-00552716 - Intuitive Surgical Non-Filing Justification for Product Family: IS4000 8mm Needle Drivers, August 18, 2020
91	True and correct copy of the document bates stamped Intuitive-00423534 - PowerPoint: Instrument eX: I&A Refurbishment Feasibility Update, January 30, 2017.
92	True and correct copy of excerpts of the deposition of Gayle Perry, October 20, 2022 ("Perry Dep.").
93	True and correct copy of the document bates stamped Intuitive-02038766 - Email re: I&A Discussion, October 1, 2019.
94	True and correct copy of excerpts of the deposition of Ted Claiborne, November 21, 2022 ("Claiborne Dep.").
95	True and correct copy of the document bates stamped Intuitive-00029346 - Email re: FW: ISI Competition Slides, November 30, 2018.

96	True and correct copy of the document bates stamped Intuitive-00552728 - Intuitive Surgical Non-Filing Justification for Product Family: IS4000 8mm Forceps, August 18, 2020.
97	True and correct copy of the document bates stamped Intuitive-01265649 - Intuitive Q4'21 Reporting Package, January 2022.

Dated: March 23, 2023

Respectfully submitted,

/s/Jeffrey J. Corrigan
